

Remarks

I. Status of the Claims

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 35 and 38-59 are pending, with claims 35 and 51 being the independent claims. Claims 1-34 and 36-37 are canceled without prejudice to or disclaimer of the subject matter therein. Applicants reserve the right to pursue the canceled subject matter in one or more continuing applications. These changes are believed to introduce no new matter and their entry is respectfully requested.

II. Amendments the Specification

The specification is amended to claim priority to the earlier filed applications or patents. Applicants respectfully note that on March 12, 2007 a preliminary amendment that claimed priority to the earlier applications was filed, along with the present application. This amendment updates the preliminary amendment by adding the patent number designated in the earlier filed issued patent and foreign priority information under 35 U.S.C. § 119, which was claimed upon filing of this application. Therefore, the amendment adds no new matter.

III. Amendments to the Claims

Support for claim 50 is found at page 2, line 34 to page 3, line 1. Support for claims 51-59 are found at page 3, line 20 to page 4, line 35 and example 6.

IV. Rejections under 35 U.S.C. § 112, 1st Paragraph--Written Description

Claims 20-49 are rejected under 35 U.S.C. § 112, first paragraph, for lack of written description. The Examiner asserts that "[t]he instant specification may provide

an adequate written description of polypeptide which comprises [*sic*: an amino acid sequence at least 95% similar to] SEQ ID NO: 13, the specification fails to disclose variant polypeptide which comprises an amino acid sequence at least 95% similar to SEQ ID NO: 13." Office Action at page 2. Applicants respectfully disagree with the assertion.

Solely to facilitate the prosecution of this application and not in acquiescence of the Examiner's rejection, claims 20-34 are canceled and claims 35-49 are amended to recite the specific sequences, SEQ ID NO: 12 or 13, without prejudice or disclaimer. In addition, new claims 50-59 are directed to the specific sequences. Therefore, the amendments render the rejection moot. Applicants, however, reserve the right to pursue the subject matter in related applications. Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

V. Rejections under 35 U.S.C. § 112, 1st Paragraph--Enablement

Claims 20-49 are rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. *See* Office Action at page 6. On page 7 of this Office Action and pages 7 and 8 of the Office Action mailed October 31, 2006, the Examiner repeatedly acknowledged that " the disclosure provides guidance how to make the claimed polypeptide SEQ ID NO: 13 encoded by the nucleic acid, SEQ ID NO: 12 and how to treat infection caused by *S. agalactiae*." However, the Examiner asserted that the specification "does not reasonably enable [*sic*: enabled] for a method of preventing a Group B streptococcal disease or disorder in a subject comprising administering to a subject in need thereof an effective amount of a composition comprising an isolated peptide." Office Action at page 8.

In order to expedite the prosecution of this application and not in acquiescence of the Examiner's rejection, however, claims 20-24, directed to a method of preventing a Group B streptococcal disease or disorder, are canceled, rendering the rejection moot. Applicants reserve the right to pursue the canceled subject matter in related applications. In view of these amendments, Applicants respectfully request that the rejection be withdrawn.

VI. WO02/092818 A2 Disclosure

The Examiner noted in the Remark section that "WO200292818-A2 teaches an isolated polypeptide comprising an amino acid sequence 96% identical to the polypeptide SEQ ID NO: 13 but does not teach or suggest an isolated polypeptide set forth as SEQ ID NO: 13." Applicants respectfully point out that International Publication No. WO 02/092818 A2 was published November 21, 2002, and the effective filing date of the present application is December 22, 1999. Therefore, International Publication No. WO 02/092818 A2 is not prior art.

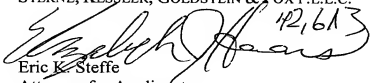
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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